

Ottawa Police Service – Freedom Rally – PLT overview and proposed strategy

The PLT response to the Freedom Rally is guided by the National Framework that has been adopted by the CACP as a best practice.

Questions to ask ourselves:

- 1) “Have we exhausted all options and avenues of approach prior to taking enforcement action?”
- 2) “Have we communicated effectively with all stakeholders prior to enforcement action?”

PLT Strategy within the Measured Approach

PLT are in contact with organizers and participants on the ground and as such need decision making authority to improve the relationships and current conditions. (PLT require prior approval to understand what their boundaries are i.e. mediation concessions). Every agreement/concession reached between PLT/organizers strengthens the trust and relationship and leads us one step closer to a peaceful ending.

Liaison goals

- Have groups/leaders identify an exit strategy
- The goal is identify and action positive concessions (win/win).
- Navigate the discussions and concessions toward an ending
- All stakeholders have to make small concessions along the way (ex. Open up lanes, one side of the street, ect).
- To ensure that prior to targeted enforcement police demonstrably used the National Framework to Large Scale Demonstration as a guideline to a measured approach and exhausted all efforts within the communication strategy to maintain lawful, peaceful and safe demonstrations.

Actions Pre-Event – (what has already occurred)

- Liaison members became informed about issues of concern and positions of involved stakeholders and attempted to build trusting relationships
- As convoys traveling into Ottawa were ongoing, Liaison members outreached with event organizers to provide warnings in relation to possible traffic violations and unlawful activity. Provided participants with warnings that unlawful, unsafe or un-peaceful events may be met with police intervention.
- Upon the group contact with participants/stakeholders immediate actions included:
 - Identification of group leaders (where possible), to work with should issues arise that may lead to a conflict
 - Ask questions – What does success look like? What are they trying to achieve?
 - Liaise with policing partners, including OPS to hand-off community contacts
 - Provided information on anticipated events to police service of jurisdiction liaison members
- Education
 - Police Education - Provided information to policing partners in relation to cultural considerations, the Framework approach and on the issues at hand

- Public Education – Outreached and provided information on lawful, peaceful and safe demonstration activity, the role of police, the intersection of rights and enforcement activities

Considerations Moving Forward

Immediate Considerations

- Those involved have become increasingly frustrated, leading to a range of possibilities. Comments about these demonstrations and occupations to oppose COVID-19 measures have been increasing in frequency and intensity with positions becoming entrenched and polarized, with increasing media coverage.
- Identify leaders and set a consistent meeting time for updates and discussions (consistent communication)
- PLT actions – Liaison officers should be engaged as much as possible, and be supported to work within the parameters of their programs and mandates
 - Should be talking to ALL groups impacted by the conflict, for example trucking groups, fringe groups and the community at large
 - When new leadership is identified, identify what success looks like to them, and understand what they are trying to achieve
 - Provide education on potential consequences of actions
 - Inform leaders of criminal behaviours within the group
 - Develop ways to find success which will ultimately lead to identifying an end
 - Provide insight to senior command as to ways police may be able to assist in a negotiated exit
 - Direct groups as to what is acceptable and be clear with what is wanted from police
 - Help identify and provide lawful, peaceful and safe alternatives for protest group
 - Utilize leaders to get wins for all

Demonstrator Group Leadership

- If there is no identifiable leadership, police should attempt to locate individuals of influence, or facilitate creation of group leadership and empower them
- Where leaders of influence have been identified set up scheduled daily meeting times to ensure structure for communication is in place. This ensures the ability to have consistent communication in times of crises or negative outcomes.
- Be available on a 24 hour basis in the event changes occur that can be capitalized on
- Establish with groups that the interest of police is to maintain orderly flow of traffic while allowing participants to lawfully demonstrate
- Seek out common ground between stakeholders – provide opportunity to facilitate productive communications
 - Identify barriers to decision making (ex. rapport with police, communication issues, differing uniforms of policing partners)
 - Identify if they have lawyers, if so, who do they speak for?
 - What is the power of a group leader to negotiate?
- Conflict within Groups – When there is conflict between or within demonstrator groups, PLT should acknowledge the existence of underlying factors within the critical incident, communicate to disputants that all demonstrators and other members of the public will be treated with dignity and respect, and seek out common ground between all stakeholders.
- PLT should ensure to take every opportunity to facilitate productive communication with the end goal of lawful, peaceful and safe demonstrations.

Other Stakeholders

- Community at Large – outreach with those who, while not directly involved may be impacted and have a right to a safe environment
 - Focus on community at large will assist in identifying potential counter-demonstrations and ease tensions within the city
- Leverage federal and provincial partners regarding COVID-19 issues
 - Provide support to federal/provincial partners or others who may be in a position to resolve conflict or influence outcomes
 - Ascertain what the governments are willing to do
 - Be in a position to be able to say we did this

Communications

- Misinformation and Time – are often the two biggest issues for police during large, protracted events. There should be daily press conferences or outward facing communication from the police service, so that all are clear on what police are trying to achieve
- Control the Narrative - Whenever possible, police should control the narrative to fight misinformation in both the current and post event stages. When there is a void of information, misinformation will continue to proliferate
- Controlling the narrative will ensure tensions are eased within the group and predictability of outcomes will be more sustainable

Criminal Activity

- Provide education on peaceful, lawful, safe demonstrations (ex. PLT demonstrator hand-out)
- Provide strong messaging to stakeholders on the difference and consequences of being arrested vs. being charged (for instance, the possibility of travel restrictions in the absence of an actual charge)
 - Ask them to move, to open up roads. Be clear on what police are trying to achieve
 - Ask how far they are willing to go. Are they willing to be arrested? Are they wanting to be arrested?
- Recognize criminality – provide information on charges (see Appendix A)
- Provide potential messaging in the event of actual or potential arrest (see Strategies for Communication Pre-Arrest below)
- Read a Notice to Participants at onset of arrest activities (below)
 - Provide an overview/notice to recognize issues, don't want to ruin relationships but need to recognize ongoing concerns
- When arrests occur, PLT should reach out to other groups to inform of current events and potential next steps

Arrest Considerations

- Mass arrests may be the only potential outcome however steps to minimize impacts and reduce risk to public and police safety alternative considerations should include;
 - Targeted strategic arrests – off site and discreet
 - Summons

Participant Notice

- The Police have no role to play in the underlying issues and is not in a position to resolve them.

- The police do not condone or facilitate unlawful, un-peaceful or unsafe demonstrations. The Criminal Code of Canada contains various provisions to limit or control certain activities related to public demonstrations such as blocking or obstructing a roadway or highway.
- The Police will act to preserve the peace, maintain public safety and investigate unlawful activities, in accordance with legislated responsibilities and common law duties.
 - Open communication, a reasoned, tempered approach and the proper use of police discretion guide the response.

Strategies for communication pre-Arrest

1. Simple appeal to leave to group membership
 - Inform that their actions are unlawful
2. Reasoned appeal to leave: explain your request
 - Openly ask individuals to move/open roads. Be clear about what police are trying to achieve
 - If they choose to leave at this time to discontinue action will not be arrested and they can leave
 - Participants should be clear on how far they are willing to go, what is their ideal outcome in the event of arrests?
3. Personal appeal: Explain implications of arrest. Caution that continued unlawful activity will result in being arrested and they could face charges.
 - Advise that those who have lawyers that they should be speaking to them and be able to identify leadership
4. Final appeal: "Is there anything I can reasonably say or do to make you cooperate?"
 - "Can I confirm that you understand that you will be arrested and could face charges?"
 - Provide documentation if available
5. Take action: arrest or removal of individuals with appropriate legal considerations

Post-Event Considerations

- Creation of outward facing communications strategy
- Craft messaging surrounding event to control the narrative, this should be *approved and ready to go out before arrests are made* recognizing that trust between police and some community members or groups may have been eroded (see Draft remarks in Appendix) B
- Strategies should be developed and implemented to restore relationships

APPENDIX A

Supporting Information for Responding Members

Criminal Code Considerations:

- Dependent on your actions, you may be arrested and/or charged with:
 - Obstruct Police: Everyone who resists or willfully obstructs a peace officer in the execution of his/her duty
 - Breach of the Peace
 - Causing a Disturbance: Impeding another person
 - Mischief: Interfere with any person in the lawful use or enjoyment of property
 - Intimidation: Block or obstruct a highway
 - These offences are punishable upon conviction by fine and/or imprisonment.
- Statutory Charges in Civil Disobedience:
 - Section 30 (prevent breach of the peace)
 - Section 31 (breach of the peace)
 - Section 35 (defence of private property and assault – section 41 repealed)
 - Sections 65, 66 (riot, unlawful assembly)
 - Section 127 (violating a court order)
 - Section 129 (obstructing a police officer)
 - Section 175 (causing a disturbance)
 - Section 180 (common nuisance)
 - Section 264.1 (uttering threats)
 - Sections 266, 270(1) (assault/assaulting a police officer)
 - Section 351(2) (wearing mask/disguise with intent to commit ind. Offence)
 - Section 423(1)(c) (persistent following)
 - Section 423(1)(g) (blocking a highway)
 - Section 430(1) (mischief to property)
- Highway Traffic Act (HTA) Considerations:
 - Unnecessary slow driving prohibited - 132 (1) No motor vehicle shall be driven on a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when the slow rate of speed is necessary for safe operation having regard to all the circumstances. R.S.O. 1990,

- c. H.8, s. 132 (1). *Exception* - (2) Subsection (1) does not apply to a road service vehicle. 1994, c. 27, s. 138 (10). Offence (3) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$1,000. 2019, c. 8, Sched. 1, s. 26.
- Direction of traffic by police officer - 134 (1) Where a police officer considers it reasonably necessary, (a) to ensure orderly movement of traffic; (b) to prevent injury or damage to persons or property; or (c) to permit proper action in an emergency, he or she may direct traffic according to his or her discretion, despite the provisions of this Part, and every person shall obey his or her directions. R.S.O. 1990, c. H.8, s. 134 (1).
 - Removal of vehicle, debris blocking traffic - 134.1 (1) Where a police officer considers it reasonably necessary, (a) to ensure orderly movement of traffic; or (b) to prevent injury or damage to persons or property, he or she may remove and store or order the removal and storage of a vehicle, cargo or debris that are directly or indirectly impeding or blocking the normal and reasonable movement of traffic on a highway and shall notify the owner of the vehicle of the location to which the vehicle was removed. 2005, c. 26, Sched. A, s. 20; 2017, c. 2, Sched. 17, s. 10 (1). *Costs of removal* - (2) The costs and charges for the removal and storage of the vehicle, cargo or debris removed are a debt due by the owner, operator and driver of the vehicle, for which they are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction and are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*. 2005, c. 26, Sched. A, s. 20; 2017, c. 2, Sched. 17, s. 10 (2).
 - Arrests without warrant HTA Offences - 217 (2) Any police officer who, on reasonable and probable grounds, believes that a contravention of any of the provisions of;
 - Subsection 9 (1) False statement, change of name or address, obliterated vehicle no., etc. Penalty for false statement, inaccurate information
 - Subsection 12 (1) Violations as to number plates
 - Subsection 13 (1) Number plates, further violations No other numbers to be exposed
 - Subsection 33 (3) Identification on failure to surrender licence
 - Subsection 47 (5), (6), (7) or (8) Suspension and cancellation of licence
 - Section 51 Driving motor vehicle when permit suspended or cancelled
 - Section 53 Driving while driver's licence suspended
 - Subsection 106 (8.2) Police may request passenger's identification seatbelt offence
 - Section 130 Careless driving
 - Section 172 Racing, stunts
 - Section 184 Defacing or removing notices or obstructions (signage)
 - Subsection 185 (3) Removing pedestrians on prohibited highway
 - Clause 200 (1) (a) Duty of person in charge of vehicle in case of accident remain at or immediately return to the scene of the accident
 - Subsection 216 (1) Power of police officer to stop vehicles fail to stop
 - Has been committed, may arrest, without warrant, the person he or she believes committed the contravention. R.S.O. 1990, c. H.8, s. 217 (2); 1993, c. 40, s. 8; 2009, c. 5, s. 56.
 - Detaining vehicle when arrest is made - (4) A police officer or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act (HTA) or under the Criminal Code (Canada), but the

motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or judge. R.S.O. 1990, c. H.8, s. 217 (4). (Return to Justice must be completed on if section used) *Exceptions to release of motor vehicle* - (4.1) A motor vehicle shall not be released under subsection (4) if it was removed, stored, detained or impounded pursuant to any provision of this Act other than subsection (4) of this section. 2007, c. 13, s. 24. Care and storage charges (5) All costs and charges for the care and storage of a motor vehicle detained under subsection (4) are a lien upon the motor vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act. R.S.O. 1990, c. H.8, s. 217 (5).

Appendix B

DRAFT Remarks in relation to arrests

- Since the inception of this event, the Police have been committed to open and honest dialogue with all involved parties; having participated in many discussions in hopes of achieving a peaceful resolution.
- The Police working with many different stakeholders for support and guidance as we work through this complex situation.
- The Police have been managing this event safely and peacefully using a measured approach that stresses negotiation and minimal use of force. This approach relies heavily on open dialogue, communication and respectful relationships with the clear objective to preserve the peace, prevent offences, and enforce the law in an impartial manner that respects and protects the rights of all involved parties.
- This disputes cannot be solved by the police as we have no role in addressing the underlying issues. These types of conflict are dynamic and difficult to manage.
- Public safety remains our paramount concern. The priority is to work with all involved parties to ensure safety, maintain order and preserve the peace.
- Extensive effort has been made to engage in open dialogue at all levels of the organization with identified parties involved or impacted by the ongoing event. Police have engaged with identified individuals that may be in a position to assist in facilitating a peaceful resolution. Since the inception of the demonstration, we have explored and utilized numerous strategies for de-escalation in keeping with a measured approach, with a focus on strategies to minimize the use of force to the fullest extent possible.
- The police respect the Charter right to freedom of expression and peaceful assembly. Demonstration activity must be peaceful, lawful and safe.
- The OPP also recognizes the rights of the general public, local residents and businesses to a safe environment.
- The proper use of police discretion is a valid, appropriate approach to de-escalating situations and should not be confused with lack of enforcement.
- All avenues to successfully negotiate a peaceful resolution have been exhausted and the police have a legal responsibility to enforce
- The Police calls on all those involved in the demonstrations to abide by the law and leave the area and to not put public peace or anyone's safety in jeopardy. The police will continue to follow and engage in communication at all stages of the measured approach while dealing with this conflict

- All of those involved are encouraged to leave. If that does not occur, our members will respond to the behaviors that are presented before them. Enforcement of the injunction may include arrest of those who choose not to comply, however use of force is always a last resort. We encourage continued communication throughout all stages of this process.
- The Police continues to stress that it is of utmost importance that everyone continue to cooperate and work towards a peaceful and effective resolution.
- Our primary goal has been from the beginning and continues to be, to preserve the peace and maintain a safe environment for everyone involved.

Draft After Event Messaging

Measured approach

- Since the inception of these demonstrations, the police have remained committed to open and honest dialogue with all involved parties.
- In responding to the event, a measured approach was followed, this approach involved negotiation, minimal use of force, and open dialogue.
- Discretion is fundamental to the work of policing at all times, and in exercising discretion, the police exhausted all avenues to successfully negotiate a peaceful resolution.
- Over the past few weeks, members of the policing community participated in meetings and discussions with individuals involved or impacted by the ongoing event.
- The police sought support and guidance from multiple areas of leadership in hopes they could assist in facilitating a peaceful resolution.
- The police notified demonstrators in advance that arrests may be made. Demonstrators were encouraged to leave the site and advised that enforcement could involve arrests for those who fail to comply.

Enforcement

- The Police attended the downtown Ottawa on X and arrested X demonstrators or individuals involved in the occupation.
- The police encouraged open communication at all stages of the measured approach while making arrests
- Prior to the arrests, the police gave all demonstrators the option of leaving the site on their own accord or being arrested and charged.
- Officers were instructed to use the least amount of force reasonable to safely effect an arrest.
- Those arrested have been identified as: X. All will appear in X Courthouse on X.
- The police exercised discretion and demonstrated a commitment to achieving a peaceful resolution, while taking appropriate action to preserve order and safeguard public safety through enforcement.
- The police will continue to monitor and assess public safety and security issues and will respond accordingly with consideration to the severity and risk to the residents of Ontario, the demonstrators, and to the police in each situation.

